

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Appeals for
the Federal Circuit and the United
States Court of International Trade

Vol. 18

FEBRUARY 8, 1984

No. 6

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U.S. Customs Service

T.D. 84-21 through 84-34

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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

(T.D. 84-21)

Bonds

Approval and discontinuance of consolidated aircraft bonds (air carrier blanket bonds), Customs Form 7605

The following consolidated aircraft bonds have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: January 16, 1984.

Name of principal and surety	Date term commences	Date of approval	Filed with district director/area director/amount
Servicio Aereo de Honduras, S.A. (SASHA), P.O. Box 52-2222, International Airport G.M.F., Miami, FL; American Casualty Company of Reading, PA (A PA Corp.).	Dec. 22, 1983	Jan. 9, 1984	New York Seaport \$100,000

The foregoing principal has been designated a carrier of bonded merchandise.

BON-3-01
216616

EDWARD B. GABLE, JR.,
Director,
Carriers, Drawback and Bonds Division.

(T.D. 84-22)

Bonds

Approval and discontinuance of Carrier's Bonds, Customs Form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: January 17, 1984.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Abby Transport Ltd.—see Trimac Transportation Group Ltd.			
Airway Trucking Co., P.O. Box 8346, Stockton, CA; motor carrier; Washington International Ins. Co. D 5/30/83	Apr. 1, 1977	Apr. 22, 1977	Los Angeles, CA \$50,000
Al-Rad International, Inc., 5625 N. Pearl St., Rosemont, IL; motor carrier; North River Ins. Co.	Nov. 11, 1983	Dec. 22, 1983	Chicago, IL \$25,000
Amtruck Transport, Inc., 3902 Airport Way So., Seattle, WA; motor carrier; The Travelers Indemnity Co.	Nov. 8, 1983	Dec. 6, 1983	Seattle, WA \$25,000
Avondale Container Yard, Inc., P.O. Box 9178, Bridge City, LA; motor carrier; The Aetna Casualty & Surety Co.	Dec. 12, 1983	Dec. 15, 1983	New Orleans, LA \$25,000
B & P Motor Express Co., P.O. Box 13508, Tampa, FL; motor carrier; Reliance Ins. Co. D 11/25/83	May 4, 1983	July 14, 1983	Baltimore, MD \$25,000
Cal's Trucking Ltd., Box 96, Mayo, Yukon, Canada; motor carrier; Old Republic Ins. Co.	Nov. 21, 1983	Nov. 23, 1983	Great Falls, MT \$25,000
Andy Carlegis, Ins., 1208 Jones St., Fort Worth, TX; motor carrier; Lawyers Surety Corp. D 11/22/83	Aug. 27, 1969	Aug. 27, 1969	Houston, TX \$25,000
Central Control Air Freight, Inc., 9308 Harrison, Romulus, MI; motor carrier; Ins. Co. of North America.	Oct. 17, 1983	Dec. 5, 1983	Detroit, MI \$50,000
Challenge Crating & Storage, Inc., P.O. Box 350582, Fort Lauderdale, FL; motor carrier; Old Republic Ins. Co.	Oct. 19, 1983	Nov. 23, 1983	Miami, FL \$50,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Cherokee Transportation, Inc., P.O. Box 69, 5845-I Oakbrook Parkway, Norcross, GA; motor carrier; Reliance Ins. Co.	Sept. 7, 1983	Sept. 8, 1983	Savannah, GA \$25,000
City Freight Lines, 22560 Lucerne St., Carson, CA; motor carrier; Industrial Indemnity Co. (PB 8/21/78) D 8/31/83 ¹	Sept. 1, 1983	Sept. 1, 1983	Los Angeles, CA \$50,000
Coast Transport, Inc., 1111 West 11th St., Vancouver, WA; motor carrier; The Hanover Ins. Co. (PB 1/4/80) D 11/4/83	Nov. 1, 1983	Nov. 22, 1983	Portland, OR \$25,000
Comtrak, Inc., P.O. Box 9398, Memphis, TN; motor carrier; Fireman's Fund Ins. Co.	Nov. 15, 1983	Dec. 12, 1983	New Orleans, LA \$25,000
Cougar Express Lines Inc., 60 Jacobus Ave., South Kearny, NJ; motor carrier; Liberty Mutual Ins. Co.	Oct. 3, 1983	Dec. 12, 1983	Newark, NJ \$50,000
Curtis, Inc., 4810 Pontiac St., Commerce City, CO; motor carrier; Fireman's Fund Ins. Co. (PB 12/2/77) D 12/2/83 ²	Nov. 30, 1983	Dec. 6, 1983	Great Falls, MT \$25,000
Day & Ross Ltd., P.O. Box 540, Hartland, New Brunswick, Canada; motor carrier; Aetna Casualty & Surety Co. (PB 5/9/79) D 5/9/82 ³	May 28, 1982	June 14, 1982	Portland, ME \$25,000
Delcher Brothers Storage Co., Inc., P.O. Box 507, Jacksonville, FL; motor carrier; St. Paul Fire & Marine Ins. Co. D 10/22/82	May 20, 1971	May 26, 1971	Tampa, FL \$25,000
Dennis Truck Lines, Inc., P.O. Box 189, Vidalia, GA; motor carrier; Northwestern National Ins. Co. of Milwaukee, WI.	Jan. 24, 1983	Mar. 1, 1983	Savannah, GA \$25,000
W. M. Dewey & Son, Inc., 1101 McCarty Drive, Houston, TX; motor carrier; Fidelity & Deposit Co. of MD.	Nov. 15, 1983	Nov. 23, 1983	Houston, TX \$50,000
Equipment Supplies, Inc., 8600 Joliet Rd., McCook, IL; motor carrier; American Casualty Co. of Reading PA. (PB 9/30/80) D 12/21/83 ⁴	Sept. 30, 1983	Dec. 21, 1983	Chicago, IL \$35,000
Everglades Pipe Line Co., 100 Buckeye Rd., P.O. Box 368, Emmaus, PA; pipeline; American Casualty Co. of Reading, PA.	Aug. 15, 1983	Dec. 8, 1983	Miami, FL \$50,000
Fleet Carrier Corp., 525 Boulevard East, Pontiac, MI; motor carrier; Protective Ins. Co. (PB 11/1/81) D 12/14/83 ⁵	Dec. 1, 1983	Dec. 14, 1983	Detroit, MI \$50,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
G & H Transportation, Inc., P.O. Box 24040, Houston, TX; motor carrier; National Surety Corp.	Dec. 7, 1983	Dec. 12, 1983	New Orleans, LA \$25,000
Global Agricultural Products Co., Inc., 12 Fairleigh Cres, Toronto, Ontario, Canada; motor carrier; Washington International Ins. Co.	Oct. 20, 1983	Dec. 7, 1983	Buffalo, NY \$25,000
Gold Seal Transport, 1939 E. Carson St., Carson, CA; motor carrier; St. Paul Fire & Marine Ins. Co. D 12/1/83	Oct. 11, 1982	Oct. 13, 1982	Los Angeles, CA \$50,000
Great Track Motor Lines, Inc., 1629 Rozelle, Memphis, TN; motor carrier; Aetna Casualty & Surety Co.	Oct. 21, 1983	Dec. 30, 1983	New Orleans, LA \$25,000
H & H Carriers, Box 1157, Lac Du Bonnet, Manitoba, Canada; motor carrier; American Motorists Ins. Co.	Dec. 12, 1983	Dec. 19, 1983	Pembina, ND \$25,000
Halberg Construction & Supply d/b/a Kirscher Transport, 18th Ave. & Ninth St., Virginia, MN; motor carrier; American Manufacturers Mutual Ins. Co. D 9/28/83	Oct. 11, 1982	Nov. 9, 1982	Duluth, MN \$25,000
Honey Transport, Inc., 515 S. Bay St., Eustis, FL; motor carrier; Washington International Ins. Co.	Oct. 6, 1983	Dec. 12, 1983	Miami, FL \$50,000
Hoyt's Moving & Storage Ltd., 6450 Young St., Halifax, Nova Scotia, Canada; motor carrier; Globe Indemnity Co. D 8/11/82	Apr. 11, 1968	June 5, 1968	Portland, ME \$25,000
Interstate Dress Carrier's Inc., 215 County Ave., Secaucus, NJ; motor carrier; Investors Ins. Co. of America. D 12/31/83	July 8, 1982	Sept. 15, 1982	Philadelphia, PA \$50,000
ITEL Transportation Services Corp., 2193 North Parkway, Tucker, GA; motor carrier; The Aetna Casualty & Surety Co.	Dec. 14, 1983	Dec. 15, 1983	San Francisco, CA \$100,000
J Kearns Transport Ltd.—see Trimac Transportation Group Ltd.			
Kane Transfer Co., P.O. Box 7479, Baltimore, MD; motor carrier; Fidelity & Deposit Co. of MD. (PB 11/25/80) D 12/20/83 *	Nov. 25, 1983	Dec. 20, 1983	Baltimore, MD \$25,000
Kirscher Transport—see Halberg Construction & Supply			
George A. Lewis, Ltd., 7 Birchwood Court, St. Stephen, New Brunswick, Canada; motor carrier; Maine Bonding & Casualty Co. D 7/27/75	July 15, 1970	July 24, 1970	Portland, ME \$25,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Ligon Nationwide, Inc., Highway 85 East, P.O. Drawer L, Madisonville, KY; motor carrier; American Casualty Co. of Reading, PA. (PB 7/1/83) D 12/21/83 *	Dec. 8, 1983	Dec. 21, 1983	Cleveland, OH \$50,000
Lindamood Enterprises, Inc., P.O. Box 392, 6699 S. Washington, Amarillo, TX; motor carrier; United States Fire Ins. Co.	Dec. 15, 1983	Dec. 19, 1983	Dallas/Ft. Worth, TX \$25,000
John B. McLaine d/b/a McLaine's Transfer, Milton, P.E.I., Canada; motor carrier; Maine Bonding & Casualty Co.. D 12/21/83	Apr. 1, 1970	Apr. 15, 1970	Portland, ME \$25,000
Maccam Transport Ltd.—see Trimac Transportation Group Ltd.			
Manning Motor Express, Inc., P.O. Box 685, Glasgow, KY; motor carrier; Liberty Mutual Ins. Co. D 12/20/83	Dec. 21, 1982	Feb. 23, 1983	Cleveland, OH \$50,000
Maust Transfer Co., 1762—6th Ave. So., Seattle, WA; motor carrier; Old Republic Ins. Co. (PB 11/20/70) D 11/25/83 *	Nov. 22, 1983	Nov. 25, 1983	Seattle, WA \$25,000
Mercury Tanklines Ltd.—see Trimac Transportation Group Ltd.			
Morgan Drive-Away, Inc., 28651 U.S. 20 West, Elkhart, IN; motor carrier; Washington International Ins. Co. (PB 11/10/81) D 12/16/83	Dec. 14, 1983	Dec. 16, 1983	Chicago, IL \$35,000
Municipal Tank Lines Ltd.—see Trimac Transportation Group Ltd.			
National Jet Industries, Inc., 19300 Ike Jones Rd., Santa Ana, CA; air carrier; Peerless Ins. Co. D 9/24/82	Aug. 16, 1976	Apr. 19, 1977	Los Angeles, CA \$50,000
Oil and Industry Suppliers Ltd.—see Trimac Transportation Group Ltd.			
Perry Motor Freight, Inc., P.O. Box 1069 Odessa, TX; motor carrier; American Employers Ins. Co.	Sept. 23, 1983	Dec. 5, 1983	Houston, TX \$25,000
Pet-Car Transport, 31 Maxim Bay, Winnipeg, Manitoba, Canada; motor carrier; Hanover Ins. Co.	Nov. 14, 1983	Dec. 9, 1983	Pembina, ND \$25,000
R. F. Freight Lines, Inc., 69 Campa-nelli Dr., Braintree, MA; motor carrier; Washington International Ins. Co.	Dec. 6, 1983	Dec. 7, 1983	Boston, MA \$50,000
Red Ball Motor Freight, Inc., 3177 Irving Blvd., P.O. Box 47407, Dallas, TX; motor carrier; The Aetna Casualty & Surety Co. D 11/22/83	Oct. 9, 1980	Oct. 22, 1980	Houston, TX \$25,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Seaboard Marine Ltd., 2150 N.W. 70th Ave., Miami, FL; motor carrier; The American Ins. Co.	Nov. 3, 1983	Dec. 14, 1983	Miami, FL \$50,000
Speedy Heavy Hauling Ltd., 2345 2nd Ave. A North, Lethbridge, Alberta, Canada; motor carrier; Seaboard Surety Co. D 12/16/83	Apr. 7, 1982	Apr. 16, 1982	Great Falls, MT \$25,000
Stewart Intermodal Transport, Inc., d/b/a Truckload Express, 920 Dance Court, P.O. Box 14443, Cincinnati, OH; motor carrier; The Aetna Casualty and Surety Co.	Dec. 9, 1983	Dec. 20, 1983	Cleveland, OH \$50,000
T. Transportation, Inc., 100 Western Ave., Allston, MA; motor carrier; Washington International Ins. Co. (PB 5/15/79) D 12/9/83 ⁹	Dec. 6, 1983	Dec. 9, 1983	Boston, MA \$50,000
TLC Services, Inc., 5915 S. Pennsylvania Ave., Cudahy, WI; motor carrier; Great American Ins. Co.	Nov. 14, 1983	Nov. 21, 1983	Milwaukee, WI \$25,000
TNT Quebec Inc., 6500 Grand Allee, St. Hubert, Quebec, Canada; motor carrier; The Continental Ins. Co.	Oct. 4, 1983	Dec. 14, 1983	Ogdensburg, NY \$25,000
Tank Lines Ltd.—see Trimac Transportation Group Ltd.			
Taylor Maid Transportation, Inc., P.O. Box 1156, Albany, GA; motor carrier; Aetna Casualty & Surety Co.	Oct. 5, 1983	Oct. 14, 1983	Savannah, GA \$25,000
Territorial Transport (1968) Ltd.—see Trimac Transportation Group Ltd.			
Transport McNeill-McGrath Inc., 2525 St. Clair Ave. West, Toronto, Ontario, Canada; motor carrier; Washington International Ins. Co. (PB 9/1/83) D 12/27/83 ¹⁰	Nov. 9, 1983	Dec. 27, 1983	Buffalo, NY \$40,000
Transport Soulanges Inc.—see Trimac Transportation Group Ltd.			
Transus, Inc., 2090 Jonesboro Rd. SE., Atlanta, GA; motor carrier; Protective Ins. Co.	Jan. 1, 1983	May 26, 1983	Savannah, GA \$50,000
Trimac Transportation Group Ltd. and its w/o/s: Trimac Transportation Services Ltd., Maccam Transport Ltd., Oil and Industry Suppliers Ltd., Municipal Tank Lines Ltd., Westland Carriers Ltd., J. Kearns Transport Ltd., Abby Transport Ltd., Mercury Tanklines Ltd., Territorial Transport (1968) Ltd., Tank Lines Ltd., Transport Soulanges Inc., P.O. Box 3500, 736 8th Ave. SW., Calgary, Alberta, Canada; motor carrier; Seaboard Surety Co. (PB 4/6/82) D 12/28/83 ¹¹	Dec. 28, 1983	Dec. 29, 1983	Great Falls, MT \$150,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Trimac Transportation Services Ltd.—see Trimac Transportation Group Ltd.			
Truckload Express—see Stewart Intermodal Transport, Inc.			
Tucker Freight Lines, Inc., 1415 South Olive St., South Bend, IN; motor carrier; Ins. Co. of North America.	Nov. 1, 1983	Dec. 14, 1983	Detroit, MI \$50,000
United Motor Freight, Inc., 14490 57th So., Tukwila, WA; motor carrier; Federal Ins. Co.	Nov. 11, 1983	Dec. 16, 1983	Seattle, WA \$25,000
Warren Transport, Inc., 210 Beck St., Waterloo, IA; motor carrier; The Travelers Indemnity Co. (PB 6/12/75) D 12/9/83 ¹²	Oct. 24, 1983	Dec. 9, 1983	Chicago, IL \$50,000

Westland Carriers Ltd.—see Trimac Transportation Group Ltd.

¹ Surety is Mid-Century Ins. Co.

² Surety is Transport Indemnity Co.

³ Surety is The Continental Ins. Co.

⁴ Surety is Hartford Accident & Indemnity Co.

⁵ Surety is St. Paul Fire & Marine Ins. Co.

⁶ Surety is Insurance Co. of North America.

⁷ Principal is Ligon Specialized Hauler, Inc. Surety is Protective Ins. Co.

⁸ Surety is St. Paul Fire & Marine Ins. Co.

⁹ Surety is Fidelity & Deposit Co. of Md.

¹⁰ Surety is St. Paul Fire & Marine Ins. Co.

¹¹ Principal is Trimac Transportation Group Ltd. and its wholly owned subsidiaries: H. M. Tribble & Sons Ltd., Maccam Transport Ltd., Oil and Industry Suppliers Ltd., Municipal Tank Lines Ltd., Westland Carriers Ltd., J. Kearns Transport Ltd., Abby Transport Ltd., Mercury Tanklines Ltd., Territorial Transport (1968) Ltd., Tank Lines Ltd., Transport Soulanges Inc.

¹² Surety is Northwestern National Ins. Co.

BON-3-03
216587

EDWARD B. GABLE, JR.,
Director,
Carriers, Drawback and Bonds Division.

(T.D. 84-23)

Customhouse Broker's Licenses—Suspension

Suspension of Customhouse Broker's Licenses—Nos. 3245, 3421, 3916, and 4303

Notice is hereby given that, pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111 of the Customs Regulations, as amended (19 CFR Part 111), the Assistant Secretary of the Treasury and the parties listed below have agreed to the suspension of their customhouse broker's licenses as follows: the individual customhouse broker's license No. 3245 issued to Nicholas DeFonte for two weeks beginning February 6, 1984; the individual customhouse broker's license No. 3421 issued to Vito Pepitone for two weeks beginning January 16, 1984; the corporate customhouse broker's license No. 3916 issued to N. J. DeFonte Co.,

Inc., for three days beginning January 16, 1984; and the corporate customhouse broker's license No. 4303 issued to John F. Kilroy Co., Inc., for three days beginning January 11, 1984.

JOHN M. WALKER, JR.,
Assistant Secretary
(Enforcement and Operations).

[Published in the Federal Register, January 27, 1984 (49 FR 3559)]

(T.D. 84-24)

Quarterly Rates of Exchange

The table below lists rates of exchange, in United States dollars for certain foreign currencies, which are based upon rates certified to the Secretary of the Treasury by the Federal Reserve of New York under provisions of section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Quarterly Beginning: January 1, 1984 through March 31, 1984.

Country	Name of currency	U.S. dollars
Australia.....	Dollar.....	.89750
Austria.....	Schilling.....	.051354
Belgium.....	Franc.....	.017749
Brazil.....	Cruzeiro.....	.001016
Canada.....	Dollar.....	.802504
China, P.R.....	Renminbi Yuan.....	.503550
Denmark.....	Krone.....	.100150
Finland.....	Markka.....	.170853
France.....	Franc.....	.118413
Germany.....	Deutsche Mark.....	.362253
Hong Kong.....	Dollar.....	.128222
India.....	Rupee.....	.094607
Iran.....	Rial.....	(N/A)
Ireland.....	Pound.....	1.1212
Italy.....	Lira.....	.000597
Japan.....	Yen.....	.004302
Malaysia.....	Dollar.....	.427899
Mexico.....	Peso.....	.005865
Netherlands.....	Guilder.....	.322581
New Zealand.....	Dollar.....	.65100
Norway.....	Krone.....	.128172
Philippines.....	Peso.....	.071174
Portugal.....	Escudo.....	.007499
Republic of South Africa.....	Rand.....	.81300
Singapore.....	Dollar.....	.470367
Spain.....	Peseta.....	.006323
Sri-Lanka.....	Rupee.....	.039968
Sweden.....	Krona.....	.123732
Switzerland.....	Franc.....	.451162
Thailand.....	Baht (Tical).....	.043403
United Kingdom.....	Pound.....	1.4287

Country	Name of currency	U.S. dollars
Venezuela.....	Bolivar .....	.078431

(LIQ-03-01 S:C:I)

Dated: January 3, 1984.

ANGELA DEGAUTANO,
Chief,
Customs Information Exchange.

(T.D. 84-25)

Foreign Currencies—Daily Rates for Countries not On Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372 (c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
December 1-2, 1983	\$0.085837
Chile peso:	
December 1-2, 1983 .....	.011601
Colombia peso:	
December 1-2, 1983 .....	.011529
Greece drachma:	
December 1, 1983 .....	.010299
December 2, 1983 .....	.010293
Indonesia rupiah:	
December 1-2, 1983 .....	.001008
Israel shekel:	
December 1-2, 1983 .....	.010669
Peru sol:	
December 1, 1983 .....	.000462
December 2, 1983 .....	.000457
South Korea won:	
December 1-2, 1983 .....	.001254
Taiwan dollar:	
December 1-2, 1983 .....	.025867

(LIQ-03-01 S.C.I)

Dated: December 2, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-26)

Foreign Currencies—Daily Rates for Countries not on Quarterly
 List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C)

Argentina peso:	
December 5-9, 1983	\$0.085837
Chile peso:	
December 5-9, 1983 .....	.011601
Colombia peso:	
December 5-9, 1983 .....	.011529
Greece drachma:	
December 5, 1983 .....	.010194
December 6, 1983 .....	.010178
December 7-8, 1983 .....	.010183
December 9, 1983 .....	.010116
Indonesia rupiah:	
December 5-8, 1983 .....	.001008
December 9, 1983 .....	.001005
Israel shekel:	
December 5, 1983 .....	.010228
December 6-7, 1983 .....	.010185
December 8-9, 1983 .....	.010104
Peru sol:	
December 5-9, 1983 .....	.000457
South Korea won:	
December 5, 1983 .....	.001254
December 6-8, 1983 .....	.001253
December 9, 1983 .....	.001252
Taiwan dollar:	
December 5-9, 1983 .....	.025867

(LIQ-03-01 S: C:D)

Dated: December 9, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-27)

Foreign Currencies—Daily Rates for Countries not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and other concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:	
December 12, 1983	\$0.085837
December 13-16, 1983 .....	.050378
Chile peso:	
December 12-16, 1983 .....	.011601
Colombia peso:	
December 12-16, 1983 .....	.011529
Greece drachma:	
December 12-13, 1983 .....	.010147
December 14, 1983 .....	.010079
December 15, 1983 .....	.010098
December 16, 1983 .....	.010049
Indonesia rupiah:	
December 12-15, 1983 .....	.001005
December 16, 1983 .....	.001004
Israel shekel:	
December 12, 1983 .....	.010104
December 13, 1983 .....	.009950
December 14-15, 1983 .....	.009911
December 16, 1983 .....	.009869
Peru sol:	
December 12-15, 1983 .....	.000457
December 16, 1983 .....	.000447
South Korea won:	
December 12, 1983 .....	.001252
December 13-16, 1983 .....	.001250

Taiwan dollar:

December 12, 1983 .....	.025867
December 13-16, 1983 .....	.024876

(LIQ-03-01 S:C:D)

Dated: December 16, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-28)

Foreign Currencies—Daily Rates for Countries not on Quarterly
 List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 USC 372 (c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C)

Argentina peso:

December 19-23, 1983	\$0.050378
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Chile peso:

December 19-22, 1983011601
December 23, 1983011403

Colombia peso:

December 19-22, 1983 .....	.011529
December 23, 1983 .....	.011302

Greece drachma:

December 19, 1983 .....	.010055
December 20, 1983 .....	.010056
December 21, 1983 .....	.010029
December 22, 1983010040
December 23, 1983010050

Indonesia rupiah:

December 19-23, 1983001004
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Israel shekel:

December 19-21, 1983009869
December 22-23, 1983009684

Peru sol:

December 19-23, 1983000447
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South Korea won:	
December 19-23, 1983001250
Taiwan dollar:	
December 19-23, 1983024876

(LIQ-03-01 S:C:D)

Dated: December 23, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-29)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

December 26, 1983, Holiday, use rates for December 23, 1983.

Argentina peso:	
December 27, 1983	\$0.050378
Chile peso:	
December 27-30, 1983 .....	.011403
Colombia peso:	
December 27-29, 1983 .....	.011302
December 30, 1983 .....	.011252
Greece drachma:	
December 27, 1983 .....	.010055
December 28, 1983 .....	.010070
December 29, 1983 .....	.010101
December 30, 1983 .....	.010106
Indonesia rupiah:	
December 27-30, 1983 .....	.001004
Israel shekel:	
December 27-28, 1983 .....	.009684
December 29, 1983 .....	.009513
December 30, 1983 .....	.009233
Peru sol:	
December 27-29, 1983 .....	.000447

December 30, 1983 .....	.000439
South Korea won:	
December 27-30, 1983 .....	.001250
Taiwan dollar:	
December 27-30, 1983 .....	.024876

(LIQ-03-01 S:C:I)

Dated: December 30, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-30)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:

December 1-2, 1983	\$0.001094
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Hong Kong dollar:

December 1, 1983128066
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December 2, 1983127984
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Philippines peso:

December 1-2, 1983071174
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Republic of South Africa rand:

December 1, 198383400
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December 2, 198383300
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Venezuela bolivar:

December 2, 1983073801
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(LIQ-03-01 S:C:I)

CUSTOMS

Dated: December 2, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-31)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruzeiro:	
December 5-6, 1983	\$0.001094
December 7-9, 1983 .....	.001076
Hong Kong dollar:	
December 5, 1983 .....	.127975
December 6, 1983 .....	.127984
December 7, 1983 .....	.127967
December 8, 1983 .....	.127975
December 9, 1983 .....	.127926
Norway krone:	
December 9, 1983 .....	.129116
Philippines peso:	
December 5-9, 1983 .....	.071174
Portugal Escudo:	
December 8, 1983 .....	.007657
December 9, 1983 .....	.007607
Republic of South Africa rand:	
December 5, 1983 .....	.82400
December 6, 1983 .....	.82450
December 7, 1983 .....	.82580
December 8, 1983 .....	.82280
December 9, 1983 .....	.81950

(LIQ-03-01 S:C:I)

Dated: December 9, 1983.

ANGELA DeGAETANO,
*Chief,
 Customs Information Exchange.*

(T.D. 84-32)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Austria schilling:

December 13, 1983	\$0.051236
December 14, 1983 .....	.051282
December 15, 1983 .....	.051230
December 16, 1983 .....	.051020

Belgium franc:

December 13, 1983 .....	.017781
December 14, 1983 .....	.017768
December 15, 1983017727
December 16, 1983017662

Brazil cruzeiro:

December 12-16, 1983001064
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Denmark krone:

December 12, 1983100100
December 13, 1983099676
December 14, 1983099850
December 15, 1983 .....	.099980
December 16, 1983 .....	.099527

France franc:

December 13, 1983 .....	.118287
December 14, 1983 .....	.118308
December 15, 1983 .....	.118343
December 16, 1983 .....	.118092

Germany mark:

December 13, 1983 .....	.360881
December 14, 1983 .....	.361468
December 15, 1983 .....	.360750

December 16, 1983 .....	.360140
Hong Kong dollar:	
December 12, 1983 .....	.127869
December 13, 1983 .....	.127959
December 14, 1983 .....	.127902
December 15, 1983 .....	.127910
December 16, 1983 .....	.127869
Ireland pound:	
December 13-14, 1983	1.1225
December 15, 1983	1.1200
December 16, 1983	1.1160
Italy lire:	
December 13, 1983 .....	.000597
December 14, 1983 .....	.000598
December 15, 1983 .....	.000596
December 16, 1983 .....	.000594
Netherlands guilders:	
December 13, 1983 .....	.321699
December 14, 1983 .....	.321906
December 15, 1983 .....	.321492
December 16, 1983 .....	.320924
Norway krone:	
December 12, 1983 .....	.128908
December 13, 1983 .....	.128205
December 14, 1983 .....	.128370
December 15-16, 1983 .....	.128123
Philippines peso:	
December 12-16, 1983 .....	.071174
Portugal escudo:	
December 12, 1983 .....	.007596
December 13, 1983 .....	.007584
December 14, 1983 .....	.007547
December 15, 1983 .....	.007561
December 16, 1983 .....	.007522
Republic of South Africa rand:	
December 12-14, 1983 .....	.82400
December 15, 1983 .....	.81900
December 16, 1983 .....	.81550
Spain peseta:	
December 14, 1983 .....	.006252
December 16, 1983 .....	.006267

Dated: December 16, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-33)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Austria schilling:

December 19, 1983	\$0.051177
December 20, 1983 .....	.051277
December 21, 1983 .....	.051198
December 22, 1983 .....	.051243
December 23, 1983 .....	.051341

Belgium franc:

December 19, 1983 .....	.017712
December 20, 1983 .....	.017743
December 21, 1983 .....	.017724
December 22, 1983017737
December 23, 1983017787

Brazil cruzeiro:

December 19-23, 1983001047
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Denmark krone:

December 19, 1983099552
December 20, 1983099825
December 21, 1983099761
December 22, 1983 .....	.099751
December 23, 1983 .....	.100000

France franc:

December 19, 1983 .....	.118287
December 20, 1983 .....	.118343
December 21, 1983 .....	.118203
December 22, 1983 .....	.118217
December 23, 1983 .....	.118554

Germany mark:	
December 19, 1983 .....	.360750
December 20, 1983 .....	.361337
December 21, 1983 .....	.361141
December 22, 1983 .....	.361206
Hong Kong dollar:	
December 19, 1983 .....	.127992
December 20, 1983 .....	.128469
December 21, 1983 .....	.128452
December 22, 1983 .....	.128337
December 23, 1983 .....	.128329
Ireland pound:	
December 19, 1983	1.1175
December 20, 1983	1.1220
December 21-23, 1983	1.1200
Italy lire:	
December 19, 1983 .....	.000594
December 20, 1983 .....	.000596
December 21-22, 1983 .....	.000595
December 23, 1983 .....	.000597
Netherland guilder:	
December 19, 1983 .....	.321182
December 20, 1983 .....	.321543
December 21, 1983 .....	.321130
December 22, 1983 .....	.321543
December 23, 1983 .....	.322789
Norway krone:	
December 19, 1983 .....	.128000
December 20, 1983 .....	.128254
December 21, 1983 .....	.128123
December 22, 1983 .....	.128205
December 23, 1983 .....	.128353
Philippines peso:	
December 19-23, 1983 .....	.071174
Portugal escudo:	
December 19, 1983 .....	.007522
December 20-21, 1983 .....	.007527
December 22, 1983 .....	.007510
December 23, 1983 .....	.007499
Republic of South Africa rand:	
December 19, 1983 .....	.81490
December 20, 1983 .....	.81700
December 21, 1983 .....	.81600
December 22, 1983 .....	.81700

December 23, 198381950

(LIQ-03-01 S:C:I)

Dated: December 23, 1983.

ANGELA DEGAETANO,
Chief,
Customs Information Exchange.

(T.D. 84-34)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 83-219 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

December 26, 1983 Holiday, use rates for December 23, 1983.

Austria schilling:

December 27, 1983 \$0.051374

Belgium franc:

December 27, 1983017784

December 28, 1983017803

Brazil cruzeiro:

December 27, 1983001047

December 28, 1983001030

December 29-30, 1983001016

Denmark krone:

December 27, 1983100125

December 28, 1983100251

France franc:

December 27, 1983118554

December 28, 1983118814

Hong Kong dollar:

December 27, 1983128287

December 28, 1983128518

December 29, 1983128485

December 30, 1983128526

Ireland pound:

December 27, 1983 1.1230

December 28, 1983	1.1280
Italy lire:	
December 27-28, 1983 .....	.000598
Mexico peso:	
December 27, 1983 .....	.006024
December 28, 1983 .....	.005952
December 29, 1983 .....	.005865
December 30, 1983 .....	.005917
Netherlands guilder:	
December 27, 1983 .....	.322997
December 28, 1983 .....	.323102
Norway krone:	
December 27, 1983 .....	.128659
December 28, 1983 .....	.128949
Philippines peso:	
December 27-30, 1983 .....	.071174
Portugal escudo:	
December 27, 1983 .....	.007536
December 28, 1983 .....	.007493
December 29, 1983 .....	.007493
December 30, 1983 .....	.007513
Republic of South Africa rand:	
December 27, 1983 .....	.81850
December 28-29, 1983 .....	.82000
December 30, 1983 .....	.81800

(LIQ-03-01 S:C:I)

Dated: December 30, 1983.

ANGELA DeGAETANO,
Chief,
Customs Information Exchange.

U.S. Customs Service

Proposed Rulemaking

19 CFR Part 146

Withdrawal of Proposed Customs Regulations Amendment Relating to Admission Into Foreign-Trade Zone of Merchandise From Customs Bonded Warehouse

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws the proposed amendment to the Customs Regulations to allow imported merchandise withdrawn from a Customs bonded warehouse to be admitted into a foreign-trade zone without restriction for use in manufacturing operations. That merchandise will continue to be restricted and must be exported from the United States, destroyed, or merely stored in a foreign-trade zone. It cannot be used to manufacture a product in a zone.

DATE: Withdrawal effective on January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Russell A. Berger, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5856).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Foreign-trade zones ("zones") are established under the Foreign Trade Zones Act of 1934, as amended (FTZA) (19 U.S.C. 81a-81u) and the general regulations and rules of procedure of the Foreign-Trade Zones Board contained in 15 CFR Part 400. Part 146, Customs Regulations (19 CFR Part 146), governs the admission of merchandise into a zone; manipulation, manufacture, or exhibition of merchandise in a zone; exportation of merchandise from a zone; and transfer of merchandise from a zone into the customs territory of the United States ("customs territory").

Foreign or domestic merchandise may be admitted into a zone for, among other things, manipulation, manufacture, assembly, or other processing, or for storage or exhibition, provided these oper-

ations are not otherwise prohibited by law. Normal customs entry procedures and payment of duty are not required for merchandise located in a zone unless and until the merchandise is removed from a zone and entered into the customs territory.

In response to a petition from a member of the public challenging the restrictive nature of section 146.25(d), Customs Regulations (19 CFR 146.25(d)), relating to the treatment of certain zone merchandise, Customs published a notice in the Federal Register on May 13, 1982 (47 FR 20627), proposing to amend that section of the regulations. As proposed, section 146.25(d) would have been amended to allow imported merchandise withdrawn from a Customs bonded warehouse to be admitted into a zone without restriction for use in manufacturing operations.

As presently written, section 146.25(d) specifies that merchandise entered for warehousing under section 557(a), Tariff Act of 1930, as amended (19 U.S.C. 1557(a)), and thereafter transferred to a zone shall have the status of "zone-restricted merchandise". This means that the merchandise may be taken into the zone only for the purpose of exportation, storage, or destruction. Consequently, such merchandise may not be used in the zone in manufacturing operations.

DISCUSSION OF COMMENTS

A total of 24 comments were received in response to the notice, 20 of which favored the proposal. Those commenting favorably stated that adoption of the proposal will allow greater flexibility in distributing merchandise to a zone depending upon existing commercial needs and will generally enable more efficient and economical utilization of zones, which accords with Congressional intent to stimulate American business and labor by facilitating the conduct of any lawful activity in a zone.

Four commenters were opposed to the proposal. One commenter was opposed to the possibility of heretofore zone-restricted merchandise being used in a particular manufacturing operation in a zone. Another commenter objected to the proposal because it is contended that to increase manufacturing in zones only dislocates established small businesses and does not create jobs, but only transfers existing jobs into zones. Finally, two other commenters were opposed to the proposal on legal grounds, *i.e.*, construction of the statutory language of 19 U.S.C. 1557(a) in light of the Congressional intent (and the plain meaning of the language itself), the restriction pertaining to this type of zone merchandise which is contained in the fourth proviso to 19 U.S.C. 81c, and the rational correlation between 19 U.S.C. 1557(a) and 19 U.S.C. 1562 that would be destroyed if the proposal were adopted. Parenthetically, an internal Customs comment noted that adoption of the proposal could effectively defeat the 5-year maximum warehousing period prescribed by law.

Customs has carefully reviewed and considered each of the comments. Although the negative comments do constitute a minority of those received, Customs believes they have significant merit and point out persuasive legal impediments to adoption of the proposal. In addition, it is clear that administrative precedent, *e.g.*, Customs Service Decisions 79-204 and 81-88, has consistently held that merchandise transferred from a bonded warehouse to a zone may be admitted only in zone-restricted status.

WITHDRAWAL OF PROPOSAL

In view of the foregoing, and after consideration of the comments received and further review of the matter, Customs has determined to withdraw the notice of proposed rulemaking published in the Federal Register on May 13, 1982 (47 FR 20627).

DRAFTING INFORMATION

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: January 12, 1984.

JOHN M. WALKER, JR.,
Assistant Secretary of the Treasury,

[Published in the Federal Register, January 26, 1984 (49 FR 3200)]

19 CFR Part 4

Withdrawal of Proposed Customs Regulations Amendment Relating to Filing of Coastwise Cargo Declaration

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposed amendment to the Customs Regulations relating to vessels in the coastwise trade which touch at an intermediate foreign port or ports. The proposal would have amended the Customs Regulations by providing an alternative procedure so that a vessel operator may file the required coastwise cargo declaration for certification after the vessel's departure from the United States port of lading. Upon further review of the proposal in light of Customs law enforcement responsibilities, it has been determined not to proceed with the proposal.

DATE: Withdrawal effective on January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Donald H. Reusch, Carriers, Drawback and Bonds Division (202-566-5708); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, the coastwise trade involves the transportation by vessel of merchandise or passengers between points in the United States embraced within the coastwise laws. These points include ports and places in the United States, its territorial waters, and nearly all of the territories and possessions of the United States.

The Customs Regulations provide that a certified coastwise Cargo Declaration must be used to identify the merchandise to be transported from the port of lading in the United States via the foreign port or ports to the subsequent ports in the United States. Under current procedures, this cargo declaration must be presented to Customs for certification and returned to the master of the vessel before the vessel can depart from the United States port of lading. Because this has on occasion prevented a vessel from departing timely, on April 18, 1983, Customs published a notice in the Federal Register (48 FR 16503) proposing to amend section 4.82(b) to provide an alternative procedure which would permit a vessel to depart the port of lading in the United States before presentation of the coastwise Cargo Declaration to Customs for certification.

While the comments received in response to the notice were in support of the change, upon further review of the matter in light of Customs law enforcement responsibilities, it has been determined to withdraw the proposal.

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: January 12, 1984.

JOHN M. WALKER, JR.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, January 26, 1984 (49 FR 3200)]

19 CFR Part 134

Country of Origin Marking of Certain Unfinished Sweaters

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed change in country of origin marking; solicitation of comments.

SUMMARY: Customs has previously ruled that New Zealand was the correct country of origin of sweaters made by sending New Zealand yarn to the People's Republic of China where it was knitted into sweater parts, partially sewn together, then finished in New Zealand by completing the sewing and subjecting the garments to a process called "Super Wash".

Customs has been requested to rescind this ruling on the basis that the completion of the sewing and the "Super Wash" process do not result in a substantial transformation of the partially completed garment. Without a substantial transformation, the People's Republic of China is the correct country of origin, not New Zealand.

Since any change in the sweaters' country of origin will have an effect on their status for textile quota purposes, and because this matter is of sufficient importance to involve the interests of the domestic industry, this notice invites public comments on it before any change is made.

DATE: Comments must be received on or before March 30, 1984.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Darrell D. Kast, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5765).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), provides that all articles of foreign origin, or their containers, imported into the United States, shall be legibly and conspicuously marked to indicate the English name of the country of origin to an ultimate purchaser in the United States, unless specifically exempted. Part 134, Customs Regulations (19 CFR Part 134), sets forth the country of origin marking requirements of 19 U.S.C. 1304. Section 134.1(b), Customs Regulations (19 CFR 134.1), defines "country of origin" as the country of manufacture, production or growth of any article of foreign origin entering the United States. Further work or material added to an article must effect a substantial transformation in order to render a second country the "country of origin" within the meaning of Part 134.

The importance of determining an article's correct country of origin lies not only in informing the ultimate purchaser but also in

the effect it has on any import quota that may pertain to that article. An import quota is a quantity control system, usually based on bilateral agreements with the countries concerned, which limits the amount of certain merchandise that may enter the United States from a foreign country. Quotas vary according to the country doing the exporting, and the specific type of merchandise involved.

An article which enters the United States marked with the wrong country of origin may be incorrectly charged to that country's import quota. The incorrectly marked articles may cause the quota for that country to fill faster than it should, resulting in fewer articles entering the United States from the exporting country than would otherwise be permitted. Conversely, more articles than the quota permits may enter the United States from the actual country of origin than are permitted. Wool sweaters which are the product of the People's Republic of China are subject to quota restraints agreed upon in a bilateral agreement between that country and the United States.

The finishing process used by New Zealand sweater producers on sweaters they export to the United States has aroused a controversy concerning the sweaters' correct country of origin. These producers purchase raw New Zealand wool and have it spun into yarn and dyed in New Zealand.

They then send the yarn on consignment to the People's Republic of China where it is then knitted into sweater parts, namely the fronts, backs and sleeves which are joined together only at the shoulders. The partially joined parts are then returned to New Zealand to be finished into sweaters by sewing the side seams and sleeve seams, undergoing a proprietary process called "Super Wash," and when specifications so require, adding buttons, zippers, shoulder pads, elbow pads, etc.

It is Customs understanding that the function of the "Super Wash" process is to chemically treat the wool material so that the finished garment may be cleaned in a household washing machine. "Super Washing" is also supposed to assist in the sizing of the garment, and give it a softer touch, lighter color and greater durability than it would otherwise have had had it not undergone this process.

In a ruling #719580 dated June 15, 1982, on this matter, the issue before Customs was whether the importer's process of sewing, "Super Washing" and otherwise finishing the sweaters in New Zealand effected a substantial transformation of the sweater from unfinished parts into a finished garment. Without a substantial transformation, the country where the parts were originally produced and partially joined is the country of origin, not New Zealand where the sweater was completed. Customs held that the completion of the sewing, "Super Washing" and other finishing in New Zealand, was in fact a substantial transformation.

The U.S. Department of Commerce has requested that Customs rescind this ruling on the basis that the completion of the sewing and the "Super Wash" process do not result in a substantial transformation. Therefore, Commerce contends that New Zealand is not the correct country of origin and as a result, these incorrectly marked sweaters are entering the United States free of the textile import quotas imposed on sweaters of Chinese origin. In view of the concern of the Commerce Department and U.S. sweater manufacturers, Customs has determined that a review of the above ruling is warranted.

AUTHORITY

Because the change in position, if implemented, would result in a restriction on the importation of the subject sweaters, and because the issue is of significant importance to the domestic industry, Customs is giving interested parties notice and an opportunity to comment in accordance with section 177.10(c)(2), Customs Regulations (19 CFR 177.10(c)(2)).

COMMENTS

Consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

ALFRED R. DE ANGELUS,
Acting Commissioner of Customs.

Approved: January 11, 1984.

JOHN M. WALKER, JR.

Assistant Secretary of the Treasury.

[Published in the Federal Register, January 30, 1984 (49 FR 3671)]

19 CFR PART 175

Receipt of Domestic Interested Parties Petition Concerning Tariff
Classification of Assemblies of Color Television Receivers
Which Include a Color Television Picture Tube

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of receipt of domestic interested parties petition.

SUMMARY: Customs has received a petition from domestic interested parties requesting the reclassification of imported assemblies of color television receivers which include a color television picture tube. An imported color television picture tube included in each assembly of color television receivers is currently classifiable for duty purposes under the provision for television receivers and parts thereof, having a picture tube, color, in item 685.14, Tariff Schedules of the United States (TSUS, 19 U.S.C. 1202). The petitioners contend that the color television picture tube should be classified under the provision for television picture tubes, color, in item 687.35, TSUS, and thus, subject to a higher rate of duty. This document invites comments with regard to the correctness of the current classification.

DATE: Comments must be received on or before March 26, 1984.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Simon Cain, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

BACKGROUND

A petition dated September 19, 1983, was filed with the Customs Service under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by 4 labor organizations representing American workers engaged in the manufacture and production of color television picture tubes directly comparable to the imported color television picture tubes which are the subject of the petition. The petitioners contend that an imported color television picture tube, included in each assembly of color television receivers, which is currently classified by Customs as an unfinished article under the provision for television receivers and parts thereof, having a picture tube, assemblies (including kits containing all parts necessary for assembly into complete receivers), color, in item 685.14, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), is more appropriately classified under the provision for television picture tubes, color, in item 687.35, TSUS. The current rate of duty for merchandise classified under item 685.14, TSUS, is 5 percent ad valorem and the current rate of duty for merchandise classified under item 687.35, TSUS, is 15 percent ad valorem.

The petitioners' claim for reclassification states that there is no legal basis for the existing tariff classification of items 685.11-

685.14, TSUS, that such classification should be disregarded in duty classification determinations, and that the original tariff classifications enacted by Congress in 1962 are presently the only lawful classifications for television apparatus and parts thereof.

Alternatively, petitioners contend that the U.S. Customs Service improperly classified the color television picture tubes as part of a single article: "assemblies" (including kits) having a picture tube, from Mexico under item 685.14, TSUS. Petitioners contend that these color television picture tubes should be classified separately as products from Japan under item 687.35, TSUS.

COMMENTS

Pursuant to section 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on the petition and the correctness of Customs classification of these articles.

The domestic interested parties petition and all comments received in response to this notice will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

AUTHORITY

This notice is published in accordance with section 175.21(a), Customs Regulations (19 CFR 175.21(a)).

DRAFTING INFORMATION

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

GEORGE C. CORCORAN, JR.,
Acting Commissioner of Customs.

Approved: January 12, 1984.

JOHN M. WALKER, JR.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, January 26, 1984 (49 FR 3201)]

United States Court of International Trade

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

Paul P. Rao
Morgan Ford
James L. Watson

Nils A. Boe
Gregory W. Carman
Jane A. Restani

Senior Judges

Frederick Landis

Herbert N. Maletz

Bernard Newman

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Decisions of the United States Court of International Trade

(Slip Op. 84-1)

BRITISH STEEL CORPORATION, ET AL., PLAINTIFFS, v. UNITED STATES,
ET AL., DEFENDANTS, ALLEGHENY LUDLUM STEEL CORPORATION,
ET AL., DEFENDANTS-INTERVENORS

Court No. 83-7-01032

NEWMAN, *Senior Judge*

ON PLAINTIFFS' MOTION PURSUANT TO RULE 56.1(a) FOR AN ORDER
DIRECTING SUBMISSION FOR REVIEW UPON AGENCY RECORD

[Plaintiffs' motion granted.]

(Dated January 12, 1984)

Stephoe & Johnson Chartered (Richard O. Cunningham, Charlene Barshefsky, and Alice Mattice, Esqs.) for plaintiffs.

Richard K. Willard, Acting Assistant Attorney General, *David M. Cohen*, Director, Commercial Litigation Branch and *Sheila N. Ziff, Esq.* for defendants.

Collier, Shannon, Rill & Scott, Esqs. (David A. Hartquist, Paul C. Rosenthal, and Richard A. Merski, Esqs.) for Defendants-Intervenors.

NEWMAN, *Senior Judge*: Plaintiffs have instituted this action under section 516A(a)(2) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1516a(a)(2), to contest a final affirmative countervailing duty determination by the International Trade Administration of the United States Department of Commerce ("Commerce") covering imports of stainless steel plate from the United Kingdom (48 Fed. Reg. 19408, April 27, 1983).

Presently before the Court is plaintiff's motion under Rule 56.1(a) of the Rules of the Court of International Trade for an order directing that plaintiffs submit a motion for review upon the agency record of Commerce's determination of countervailable subsidies.

Defendants' response to the motion consists simply of a request that this Court defer decision of plaintiffs' motion pending disposition of the jurisdictional issues raised by defendants' motion to sever and dismiss (or, alternatively, to suspend) with respect to that portion of the action involving stainless steel sheet and strip from the United Kingdom in *Allegheny Ludlum Steel Corp., et al. v. United States, et al.*, Court No. 83-7-01035. According to defendants, *Allegheny* involves the same substantive legal issues as those raised in the instant case. Defendants request the opportunity to move under Rule 42(a) of this Court's rules to consolidate both actions upon disposition of defendants' motion to dismiss "in the in-

terests of orderly and efficient judicial administration and to conserve the Court's resources".

Defendants-intervenors similarly oppose plaintiffs' motion on the ground that the same determination by Commerce is being challenged in the instant case as in *Allegheny*, with virtually identical issues having been raised in both cases. Therefore, argue defendants-intervenors, a Rule 56.1 motion should not be granted here until resolution of the pending motion to dismiss in *Allegheny* and until such time as that case may be consolidated with this action.

I agree with plaintiffs' position that disposition of this case by means of a motion for review is appropriate at this time. Consequently, plaintiffs' motion is granted.

At the outset, we note: issue is joined in the instant action; there is no controversy regarding any material fact to be tried; and the determination in this case is to be made solely upon the basis of the administrative record. I see no justification for impeding plaintiffs' prosecution of this case for an indeterminate period of time for final resolution (indeed, possibly involving an appeal) of a jurisdictional issue in an entirely separate action. Significantly, there has been no jurisdictional challenge in the instant case, and it makes little sense to delay the plaintiffs here because of the jurisdictional objection faced by a distinct plaintiff in another action not consolidated with the instant case.¹

The argument that orderly and efficient judicial administration requires denial of plaintiffs' motion, although having some merit, is substantially outweighed by the clearly manifested Congressional intent and the policy of this Court that actions under sections 516A be "expedited in every way". See 28 U.S.C. § 2647.

For the foregoing reasons, it is hereby ORDERED that plaintiffs' motion for an order directing plaintiffs to submit a motion for review upon the agency record is granted.

BERNARD NEWMAN,
Senior Judge.

¹ The Court, of course, takes no position here concerning the jurisdictional issue raised in the *Allegheny* matter.



Decisions of the Court of International Trade

Abstracts

Abstracted Proceedings

The following abstracts of decisions of the United States Court of International Trade are published for the information and guidance of officers and personnel of Customs and Border Protection. Decisions are not of sufficient general interest to print in full. The abstracts are intended to help Customs officials in easily locating cases and tracing the results of decisions.

the United States International Trade

Abstracts

Protest Decisions

DEPARTMENT OF THE TREASURY, *January 12, 1984.*

United States Court of International Trade at New York are
Officers of the Customs and others concerned. Although the
print in full, the summary herein given will be of assistance
in important facts.

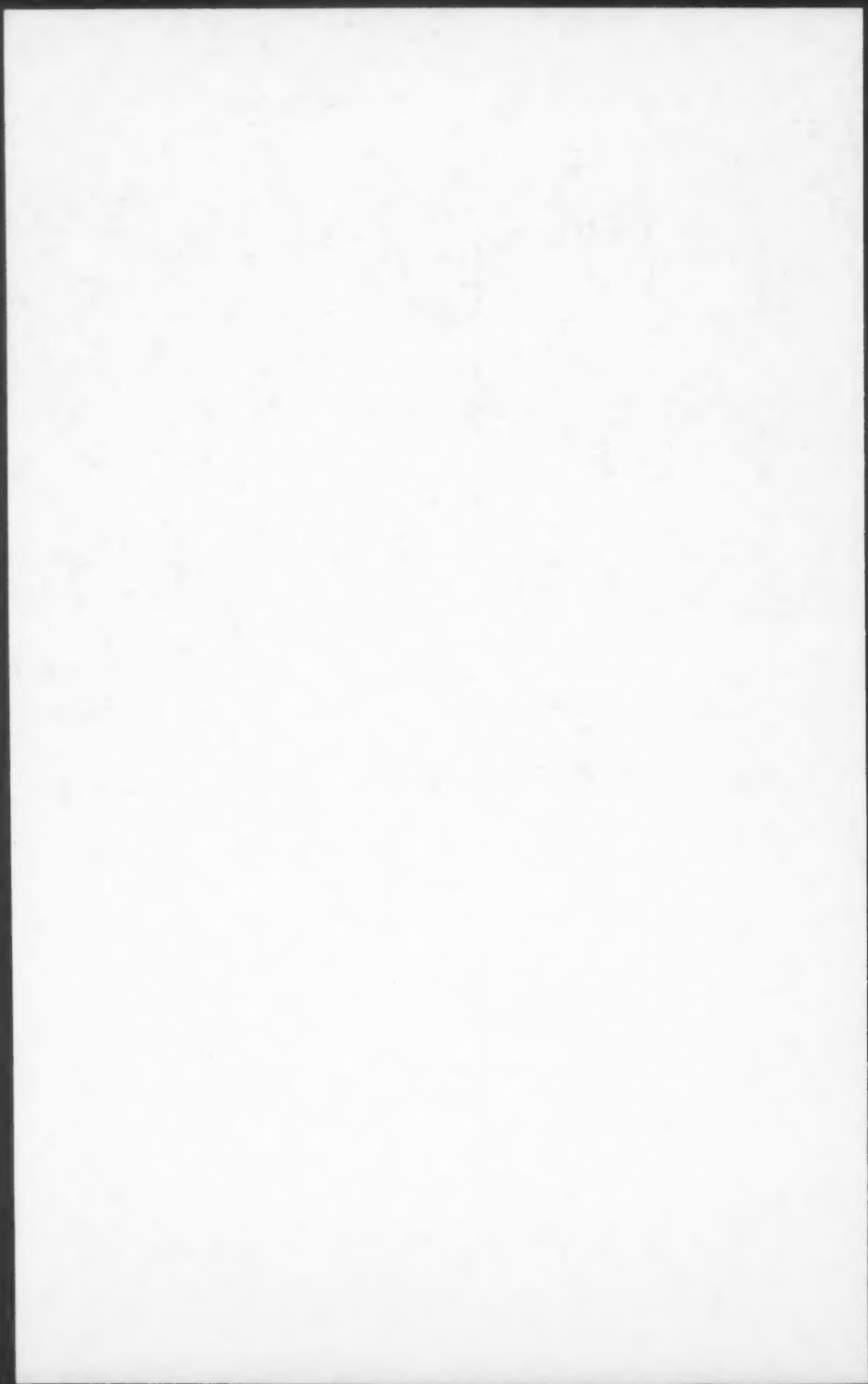
WILLIAM VON RAAB,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSMENT
				Item No. and
P84/3	Rao, J. January 5, 1984	Bestcraft Handbags	79-7-01097, etc.	Item 656.25 25%, 23.19 21.3%, 19.4 or 17.5%
P84/4	Rao, J. January 5, 1984	Beta Handbag Luggage Corp.	80-10-01576, etc.	Item 656.25 25%, 23.19 21.3%, 19.4 or 17.5%
P84/5	Rao, J. January 5, 1984	Bienen Davis, Inc.	75-11-02977, etc.	Item 656.25 25%, 23.19 21.3%, 19.4 or 17.5%
P84/6	Rao, J. January 5, 1984	Block Handbags Inc.	75-11-02981, etc.	Item 656.25 25%, 23.19 21.3%, 19.4 or 17.5%
P84/7	Rao, J. January 5, 1984	Hansel Bruckman & Lor- bacher, a/c Extra, Inc.	75-11-02972, etc.	Item 656.25 25%, 23.19 21.3%, 19.4 or 17.5%
P84/8	Watson, J. January 5, 1984	Harper-Oak Limited	78-9-01701, etc.	Item 685.90 8.5%
P84/9	Boe, J. January 5, 1984	F. W. Myers & Co., Inc.	74-7-01910	Item 608.05 .3¢ per lb.
P84/10	Boe, J. January 5, 1984	Petrie Stores Corp.	82-12-01736	Item 382.04 42.5%

ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
No. and Rate	Item No. and Rate		
556.25 s, 23.1%, %, 19.4% 17.5%	Item 745.68 8.5%, 8.1%, 7.7%, 7.3% or 6.9%	Agreed statement of facts	New York Metal handbag hardware arti- cles
556.25 s, 23.1%, %, 19.4% 17.5%	Item 745.68 8.5%, 8.1%, 7.7%, 7.3% or 6.9%	Agreed statement of facts	Miami Metal handbag hardware arti- cles
556.25 s, 23.1%, %, 19.4% 17.5%	Item 745.68 8.5%, 8.1%, 7.7%, 7.3% or 6.9%	Agreed statement of facts	New York Metal handbag hardware arti- cles
556.25 s, 23.1%, %, 19.4% 17.5%	Item 745.68 8.5%, 8.1%, 7.7%, 7.3% or 6.9%	Agreed statement of facts	New York Metal handbag hardware arti- cles
556.25 s, 23.1%, %, 19.4% 17.5%	Item 745.68 8.5%, 8.1%, 7.7%, 7.3% or 6.9%	Agreed statement of facts	New York Metal handbag hardware arti- cles
585.90 %	Item 684.30 4%	Harper Wyman Co. v. U.S. 1 CIT 108 (1981)	Niagara Falls (Buffalo) Electric thermostats
608.05 per lb.	Item 608.02 37¢ per ton, 25¢ per ton, 12¢ per ton, or free of duty	F. W. Myers & Co., Inc. v. U.S. (C.D. 4635) and/or F. W. Myers & Co., Inc. v. U.S. (C.D. 4872)	Alexandria Bay (Ogdensburg); Buffalo Sponge iron powder
382.04 %	Item 382.78 25¢ per lb. + 32.5%	Agreed statement of facts	Los Angeles Ladies' acrylic sweaters, style No. 407

P84/11	Boe, J. January 6, 1984	Elbe Products Corp.	81-12-01757, etc.	Item 355.25 15% + 12¢ lb. Item 355.65 8.5% Item 774.55 7.7%
P84/12	Rao, J. January 9, 1984	Eli D. Herschberger	80-8-01226, etc.	Item 664.05 or 649.67 5%
P84/13	Boe, J. January 11, 1984	Panasonic Company, Division of Matsushita Electric Corporation of America	81-10-01449	Not stated
P84/14	Newman, S.J. January 12, 1984	A. H. A. Corporation	76-9-01988	Item 713.15 25¢ per lb. + 20%

5.25 + 12¢ per 5.65 4.55	Item 771.42 6%	U.S. v. Elbe Products Corp. (C.A.D. 1267)	New York Synthetic leather
4.05 or 67	Item 666.00 Free of duty	Agreed statement of facts	New York Trenchers and parts
ed	Item 684.25 4% (microwave ovens) Item 684.28 3.5% or 3% (microwave/ convection ovens)	Judgment on the pleadings	Seattle Microwave ovens and/or mi- crowave/convection ovens
3.15 or lb. + e	Item 703.72 6%	Agreed statement of facts	Los Angeles Headwear



Decisions of the Court of International Trade

Abs
Abstracted Reappe

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION
R84/10	Re, C.J. January 9, 1984	Frederick Wholesale Corp.	79-3-00476	Export value
R84/11	Re, C.J. January 10, 1984	Holiday Imports Inc.	73-7-01979	Export value

the United States International Trade

Abstracts

Appraisement Decisions

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
value	Appraised values shown on entry papers less ad- ditions included to re- flect currency revalu- ation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York Not stated
value	Appraised values specified on entry papers by liq- uidating officer, less ad- ditions included which reflect currency revalu- ation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	San Francisco Not stated

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION
R84/12	Re, C.J. January 10, 1984	Tori Richard, Ltd.	78-11-01951	Export value
R84/13	Re, C.J. January 11, 1984	Astra Trading Corporation	73-5-01310	Export value
R84/14	Re, C.J. January 11, 1984	Mersco Wholesale Co., Inc.	73-4-00880, etc.	Export value
R84/15	Re, C.J. January 11, 1984	New York Merchandise Co., Inc.	74-6-01430	Export value
R84/16	Watson, J. January 11, 1984	Mitsui & Co. (USA), Inc.	75-4-00963, etc.	Export value
R84/17	Boe, J. January 11, 1984	Xin Qiao Ltd.	82-12-01786	Transaction value
R84/18	Re, C.J. January 12, 1984	Zayre Corporation	73-6-01555	Export value

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
value	Appraised values specified on entry papers by liquidating officer, less additions included which reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	Honolulu Not stated
value	Appraised values shown on entry papers less additions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York Not stated
value	Unit values found by appraising Customs official less ocean freight and marine insurance, without additions for currency fluctuation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York Not stated
value	Invoiced unit prices less non-dutiable charges included therein	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	Portland (Oreg.); San Diego Smokers' articles
value	Appraised values shown on entry papers less additions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York Not stated
on value	Invoice unit prices as entered on entry papers	Agreed statement of facts	Los Angeles Not stated
value	Appraised values less amounts added for currency fluctuation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	Boston Not stated

R84/19	Re, C.J. January 16, 1984	Yoshida International, Inc., etc.	75-11-02859	Export value
R84/20	Watson, J. January 17, 1984	Baar & Beards Inc.	73-8-02252	Export value (merchandise described on schedule "A "B")
R84/21	Watson, J. January 17, 1984	F. W. Woolworth Co.	R60/7703, etc.	Export value
R84/22	Watson, J. January 17, 1984	F. W. Woolworth Co.	R60/19998, etc.	Export value
R84/23	Watson, J. January 17, 1984	F. W. Woolworth Co.	R61/650, etc.	Export value
R84/24	Watson, J. January 17, 1984	F. W. Woolworth Co.	R62/3037, etc.	Export value
R84/25	Watson, J. January 17, 1984	Gunze New York, Inc.	R58/13406, etc.	Export value

value	Appraised values shown on entry papers less additions included to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	New York Not stated
value merchandise described on schedule "A" and	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values (merchandise described on schedule "A") Appraised unit values less 7.5% thereof, net packed (merchandise described on schedule "B")	Agreed statement of facts	New York Scarves, etc. of silk or silk and rayon
value	Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	Boston Mats, rugs and Christmas tree bulbs
value	Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	Seattle Rugs, mats, porcelainware and earthenware
value	Appraised unit values less 7.5% thereof, net packed	Agreed statement of facts	San Francisco Porcelainware, earthenware, rugs and pants
value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	San Francisco Woolen mittens and gloves
value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York All silk fabric or piece goods

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION
R84/26	Watson, J. January 17, 1984	Gunze New York Inc.	R60/1089, etc.	Export value
R84/27	Watson, J. January 17, 1984	Regal Accessories, Inc.	240989A, etc.	Export value
R84/28	Watson, J. January 17, 1984	Regal Accessories Inc.	R58/23654, etc.	Export value
R84/29	Boe, J. January 17, 1984	Uniroyal, Inc.	81-6-00732	Cost of production

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
Value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk piece goods and fabric
Value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk scarves
Value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit prices and appraised values	Agreed statement of facts	New York Silk or silk and rayon scarves
Production	Values listed on schedule "A"	Agreed statement of facts	Houston Automotive tires

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83-1018 *Lowa, Ltd. v. United States*—1581(a) CLASSIFICATION;
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